

Introduced by Senator Cogdill

February 16, 2010

An act to amend Section 266i of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 1060, as introduced, Cogdill. Prostitution.

Existing law provides that any person who by promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages another person to become a prostitute is guilty of pandering, a felony. In this regard, *People v. Wagner* (2009) 170 Cal.App.4th 499, has held that this provision does not apply to a situation in which a defendant has induced or encouraged a woman currently engaged in prostitution to commence working for him or her.

This bill would expand the application of this provision by providing that any person who by promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages another person to prostitute himself or herself, whether or not he or she has been a prostitute before, is guilty of pandering. The bill would state that it is the intent of the Legislature in enacting the bill to abrogate the holding in the case of *People v. Wagner*, cited above. By revising the definition of an existing crime to expand its application, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 266i of the Penal Code is amended to read:

266i. (a) Except as provided in subdivision (b), any person who does any of the following is guilty of pandering, a felony, and shall be punishable by imprisonment in the state prison for three, four, or six years:

(1) Procures another person for the purpose of prostitution.

(2) By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages another person to ~~become~~ a prostitute *himself or herself, whether or not he or she has been a prostitute before.*

(3) Procures for another person a place as an inmate in a house of prostitution or as an inmate of any place in which prostitution is encouraged or allowed within this state.

(4) By promises, threats, violence or by any device or scheme, causes, induces, persuades or encourages an inmate of a house of prostitution, or any other place in which prostitution is encouraged or allowed, to remain therein as an inmate.

(5) By fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procures another person for the purpose of prostitution, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution.

(6) Receives or gives, or agrees to receive or give, any money or thing of value for procuring, or attempting to procure, another person for the purpose of prostitution, or to come into this state or leave this state for the purpose of prostitution.

(b) Any person who does any of the acts described in subdivision (a) with another person who is a minor is guilty of pandering, a felony, and shall be punishable as follows:

(1) If the other person is a minor over the age of 16 years, the offense is punishable by imprisonment in the state prison for three, four, or six years.

(2) If the other person is under 16 years of age, the offense is punishable by imprisonment in the state prison for three, six, or eight years.

1 SEC. 2. It is the intent of the Legislature in enacting Section
2 1 of this act to abrogate the holding in *People v. Wagner* (2009)
3 170 Cal.App.4th 499.

4 SEC. 3. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.